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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,944	05/04/2005	Marc Borner	MERCK-3010	9585
24997 7590 11/21/2008 MILLEN, WHITE, ZELANO & BRANIGAN, PC 2200 CLARENDON BLVD SUITE 1400 ARLINGTON, VA 22201				
EXAMINER				
NGUYEN, THUY-AI N				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
11/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed on September 29, 2008 have been fully considered but they are not persuasive.

Responding to the argument about the final rejection, it is reasonable for the Office to have used a new grounds of rejection because the scope of the claim was changed in the amendment file 11-JAN-2008 (specifically, "and/or nitrilotriacetic acid" was amended to – and nitrilotriacetic acid --. According to the amendment filed on 01/11/2008, amended claim 1 requires the presence of 2,2- Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane Bis-Tris in the composition in either way, while the composition of claim 1 filed on 05/04/2005 can either have NTA or 2,2- Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane Bis-Tris or a mixture thereof. Because the scope of the claim has changed, the Final Office action was made with a new ground of rejection. Accordingly, the Finality of the prior Office action is maintained.

Applicants arguments of claims 1, and 4- 7 are not persuasive, because the claims are broadly directed to the composition. Accordingly, composition claims are given patentable weight based upon the ingredients therefor and not to a specific intended use. When a composition comprises all of the ingredients as being claimed by applicant, it is should be implicitly capable of performing the same function as claimed by the applicant such as removing and inhibiting metal contamination from the surface of a semiconductor.

Applicant's argument regarding the newly proposed concentration of hydrogen peroxide has not been responded to, because consideration of this limitation requires further search.

According to claims 8- 14, applicant argues that Smith is non- analogous art and as such one would not look to solve the problem to cleaning semiconductor substrates. This argument is not persuasive for the following reasons: Although Smith et al. is an ophthalmologic arts, the cleaning solution therein has most of the components with the semiconductor cleaning solution as recited in instant claim 1. Thus, it is capable of using or applying for cleaning semiconductor as said in the claim. In addition, claim 14 also states that the semiconductor solution of the invention is also used for cleaning glass, which is substantially similar to lens material.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

November 20, 2008

/Thuy- Ai N. Nguyen
Patent Examiner, Art Unit 1796